

### REMARKS

Forty-two claims are currently pending in the present Application. Claims 1-42 currently stand rejected. Claims 1, 21, and 41-42 are amended herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

### Drawings

On page 2 of the Office Action, the Examiner objects to Figure 1 because it includes "reference character(s) not mentioned in the description." In response, Applicants submit an amended Replacement Drawing of Figure 1 with reference numbers 130 and 134 removed. In view of the foregoing remarks and amendments, Applicants believe that the Examiner's objection is addressed, and respectfully request that the objection to Figure 1 be withdrawn.

### Rejection under 35 U.S.C. §101

On page 3 of the Office Action, the Examiner indicates that claim 41 is rejected "because the claimed invention is directed to non-statutory subject matter." Applicants respectfully traverse. 35 U.S.C. §101 states that a patent may be obtained by someone who invents or discovers any new or useful "process, machine, manufacture, or composition of matter . . . ." Claim 41 expressly recites "controlling said user interface application with a processor device" (emphasis added). Claim 41 therefore recites electronic hardware that qualifies as both a machine and manufacture.

Claim 41 is therefore directed towards statutory subject matter. In addition, claim 41 recites a specific process which again qualifies as statutory subject matter. Furthermore, claim 41 expressly recites a “computer-readable medium” which is also hardware that falls within the statutory subject matter defined by 35 U.S.C. §101. In view of the foregoing remarks, Applicants believe that the Examiner’s rejection is addressed, and respectfully request that the rejection under 35 U.S.C. §101 be withdrawn so that claim 41 may issue in a timely manner.

35 U.S.C. § 102(e)

On page 3 of the Office Action, the Examiner rejects claims 1-2, 11-12, 18-19, 21-22, 38-39, and 41-42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,124,123 to Roskind et al. (hereafter Roskind). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Roskind fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner’s rejection of independent claims 1, 21, and 41-42, Applicants respond to the Examiner’s §102 rejections as if applied to similarly-amended independent claims 1, 21, and 41-42. For example, amended claim 1 now recites “*said user interface application selectively generating a main widget, a*

*connect widget, and an alert widget as separate parts of said user interface in response to user input from a device user of said electronic device*” (emphasis added), which are limitations that are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto.

Roskind teaches an “electronic assistant” software program that automatically responds to instant messages when a device user is offline or otherwise unavailable. In other words, Roskind is directed towards using software to automatically respond to instant messages without human intervention (see column 2, lines 15 through 29). In contrast, Applicants’ claimed invention is specifically directed towards an improved user interface that is expressly designed for user participation in various communication sessions with other buddy devices. Applicants therefore submit that Roskind teaches away from Applicants’ invention. To emphasize the foregoing point, Applicants herein amend the independent claims to recite “*selectively generating*” the user interface “*in response to user input from a device user.*”

In addition, Roskind discloses only two different user interface windows/widgets (see FIG. 2A and FIG. 2B). In contrast, Applicants expressly recite “*generating a main widget, a connect widget, and an alert widget as separate parts of said user interface.*” Applicants submit that Roskind nowhere teaches a separate “alert widget.” Applicants further submit that Roskind fails to teach a “main widget” that provides the multiple nested functionalities disclosed and discussed in conjunction with Applicants’ FIG. 4. For at least the foregoing

reasons, Applicants submit that amended claims 1, 21, and 41-42 are not anticipated by the teachings of Roskind.

Regarding the Examiner's rejection of dependent claims 2, 11-12, 18-19, 22, 38-39, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2, 11-12, 18-19, 22, 38-39 so that these claims may issue in a timely manner.

With further regard to the rejections of claim 12, the Examiner cursorily cites Figure 2A of Roskind in support of this rejection, without relating Applicants' claimed limitations to elements of Figure 2A. Applicants submit that Figure 2A of Roskind nowhere teaches "*said buddy information includes a buddy group name, an on-line/off-line status icon, a buddy screen name, a buddy resource name, and a listing of network services available for performing network service sharing procedures over said electronic network*" as disclosed and claimed by Applicants. Applicants therefore respectfully request the Examiner to associate specific elements of Figure 2A to Applicants' claimed limitations, so that Applicants may respond in an appropriate manner.

Regarding the rejections of claims 18-19 and 38-39, the Examiner vaguely cites certain passages of Roskind in support of these rejections, without specifically relating Applicants' claimed limitations to the teachings of Roskind.

Applicants submit that the cited passages of Roskind fail to teach any sort of “alert widget” and related functionalities, as disclosed and claimed by Applicants. Applicants therefore respectfully request the Examiner to associate specific language from Roskind to Applicants’ claimed limitations, so that Applicants may respond in an appropriate manner.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Roskind to identically teach the claimed invention, Applicants therefore respectfully request reconsideration and allowance of claims 1-2, 11-12, 18-19, 21-22, 38-39, and 41-42.

#### 35 U.S.C. § 103

On page 6 of the Office Action, the Examiner rejects claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 under 35 U.S.C. § 103 as being unpatentable over Roskind in view of U.S. Patent Publication No. 2002/0130904 to Becker et al. (hereafter Becker). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 so that these claims may issue in a timely manner.

With further regard to claims 3 and 23, the Examiner concedes that Roskind "does not teach these functions as tabs." Applicants concur. The Examiner then points to Becker to purportedly remedy these deficiencies. Applicants respectfully traverse. Becker is limited to teaching the use of tabs corresponding only to different messaging buddies (see FIG. 1). Becker nowhere teaches utilizing different tabs to compactly nest various different functionalities in a "main widget," as claimed by Applicants in claims 3 and 23. In particular, Becker nowhere teaches "said main widget includes a presence tab, a MEET tab, a buddy tab, a content tab, an info tab, and a main window area." In addition,

Applicants further submit that Roskind likewise fails to teach the limitations of claims 3 and 23. Applicants therefore request withdrawal of the rejections of claims 3 and 23.

Regarding the rejections of claims 7-8 and 27-28, the Examiner vaguely cites certain passages of Roskind in support of these rejections, without specifically relating Applicants' claimed limitations to the teachings of Roskind. Applicants submit that the cites passages of Roskind fail to teach any sort of specific techniques for "*editing said shareable content information*" or for "*viewing a list of previously-defined shareable content information,*" as disclosed and claimed by Applicants. Applicants therefore respectfully request the Examiner to associate specific language from Roskind to Applicants' claimed limitations, so that Applicants may respond in an appropriate manner.

Regarding the rejections of claims 9-10 and 29-30, the Examiner vaguely cites certain passages of Roskind in support of these rejections, without specifically relating Applicants' claimed limitations to the teachings of Roskind. Applicants submit that the cites passages of Roskind fail to teach any sort of "*request for profile information*" and related specific types of profile information, as disclosed and claimed by Applicants. Applicants therefore respectfully request the Examiner to associate specific language from Roskind to Applicants' claimed limitations, so that Applicants may respond in an appropriate manner.

For at least the foregoing reasons, the Applicants submit that claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus

improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 3-4, 6-15, 17, 20, 23-24, 26-35, 37, and 40 under 35 U.S.C. § 103.

On page 11 of the Office Action, the Examiner rejects claims 5 and 25 under 35 U.S.C. § 103 as being unpatentable over Roskind and Becker in view of U.S. Patent No. 7,084,754 to Benejam et al. (hereafter Benejam). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 5 and 25, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 5 and 25 so that these claims may issue in a timely manner.



With further regard to the rejections of claims 5 and 25, the Examiner states that “[i]t is inherent that the method of logging out would be the mirror of logging-in,” without providing any specific references as support. It appears that the Examiner is utilizing Official Notice without expressly stating so. Applicants submit that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention. Applicants further submit that the Examiner has improperly utilized Official Notice because the cited limitations are uniquely utilized by the Applicants to produce novel combinations that are not well-known. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 5 and 25 so that the present Application may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 5 and 25 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 5 and 25 under 35 U.S.C. § 103.

On page 12 of the Office Action, the Examiner rejects claims 16 and 36 under 35 U.S.C. § 103 as being unpatentable over Roskind and Becker in view of U.S. Patent No. 7,127,685 to Canfield et al. (hereafter Canfield). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima*

*facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 16 and 36, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 16 and 36 so that these claims may issue in a timely manner.

With further regard to the rejections of claims 16 and 36, the Court of Appeals for the Federal Circuit has held that "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination." In re Geiger, 815 F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987).

Applicants submit that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention. Applicants submit that the cited references do not suggest a combination that would result in Applicants' invention, and therefore the obviousness rejection under 35 U.S.C. §103 is improper

For at least the foregoing reasons, the Applicants submit that claims 16 and 36 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 16 and 36 under 35 U.S.C. § 103.

### Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's objections and rejections. Because the cited references, and the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-42 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 4/30/07

By:   
Gregory J. Koerner, Reg. No. 38,519  
Redwood Patent Law  
1291 East Hillsdale Blvd., Suite 205  
Foster City, CA 94404  
Tel: (650) 358-4000